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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/670,975 | 09/27/2000 | Charles E. May | 00-140 | 6488 |

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LSI LOGIC CORPORATION
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MS D-106, LEGAL DEPARTMENT
MILPITAS, CA 95035

EXAMINER

FORD, JOHN K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3743

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DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|------------------------------|--|
| Office Action Summary | Application No. <u>09/670,975</u> | Applicant(s) <u>Bhatt</u> | |
| | Examiner <u>FORD</u> | Art Unit <u>3743</u> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-9-02
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Applicant's election of Group I, claims 1-12, and the election of the seventh species as set forth on page 3 of Paper No. 3 is acknowledged. All of claims 1-12 have been identified as readable on the elected species. Applicant's traverse of the restriction and election requirements is unpersuasive and the requirements are made final. The Examiner disagrees with applicant's parenthetical assertion that claims 1-12 all read on the other six species identified by the examiner on page 3 of Paper No. 3.

After reviewing the file and applicant's remarks stressing "an important aspect of the invention" being "that invention does not rely on a single method of controlling temperature but rather adjusts multiple components as required, at times in a hierarchical order, to control temperature," *a further restriction is formulated below:*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a method of controlling processing levels using bombardment with ions, classified in class 204, subclass 192.1+.
- II. Claims 9-12, drawn to an apparatus for controlling work piece temperature during processing controlling process every, classified in class 204, subclass 298.01+.

The inventions are distinct, each from the other because:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice materially

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different processes such as using any one of many (according to applicant's representations in Paper No. 6: "the invention does not rely on a single method") "hierarchical orders(s)" apparently claimed in claims 1-8 and the process as claimed can be practiced by different apparatus such as one in which chuck temperature is sensed by remote sensing means not associated with the chuck (e.g. infrared sensors).

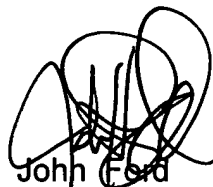
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John Ford
Primary Examiner
Art Unit 3743

John K. Ford
Primary Examiner